

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

KEITH W.R. LOWE,

Petitioner

v.

CIVIL ACTION NO. 2:11-0074

DAVID BALLARD, Warden,
Mount Olive Correctional Complex,

Respondent

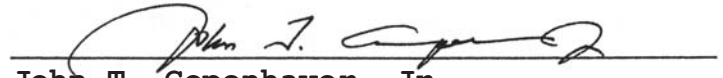
MEMORANDUM OPINION AND ORDER

The court having received the Proposed Findings and Recommendation ("PF&R") of the United States Magistrate Judge filed on November 18, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B); and having reviewed the record in this proceeding; and there being no objections filed by either the respondent or the petitioner to the PF&R; and it appearing proper so to do, it is ORDERED that the findings and conclusions made in the PF&R be, and they hereby are, adopted by the court.

It is, accordingly, ORDERED that the respondent's motion to dismiss be, and it hereby is, granted. It is further ORDERED that petitioner's section 2254 petition be, and it hereby is, denied.

The Clerk is directed to forward copies of this written opinion and order to the petitioner, all counsel of record, and the magistrate judge.

DATED: January 17, 2012


John T. Copenhaver, Jr.
United States District Judge